

Appendix B. Servicewide Memorandum of Understanding

**for Cooperative Management and
Administration of National Historic Trails
Among the U.S. Department of Interior,
Bureau of Land Management and National
Park Service, and U.S. Department of
Agriculture Forest Service**

I. BACKGROUND

- A. Whereas, the National Trails System Act of 1968 (PL 90-543), as amended, recognized the importance of long-distance trails to American culture. The Act identifies four types of national trails: scenic, historic, recreation, and side/connecting. This Service-wide Memorandum of Understanding (SMU addresses only the national historic trails (NHTs), and;
- B. Whereas, each NHT is established by law and assigned to be administered by a specific Federal agency, through either the Secretary of the Interior or Agriculture, to exercise the administrative responsibilities of the national Trails System Act. These responsibilities include: overall trailwide coordination, planning and marking, site and segment certification, resource preservation and protection, interpretation, cooperative/interagency agreements, and limited financial assistance to other government agencies, landowners and interest groups, and;
- C. Whereas, the responsibility for on-the-ground management of the trail corridor rests with private landowners, government land managing agencies, and other organizations which have ownership jurisdiction. These responsibilities include: planning and development of trail segments or specific sites, site interpretation, site stabilization and protection, and management of visitor use, and;
- D. Whereas, each trail has its own unique pattern of land ownership and, at time, the administering federal agency has little or no land which it manages along the trail thus necessitating greater coordination and cooperation with private landowners, other government entities, and interested publics, and;
- E. Whereas, interagency cooperation is desirable and can be a productive means of implementing the intention of the National Trails System Act for improving communication and achieving better management of the trail and its associated resources for the public use and enjoyment, and;
- F. Whereas, each Federal agency involved with a NHT has its own budget for carrying out trail activities, coordination with other agencies requests for and obligation of funds can be improved to eliminate duplication of effort, and;
- G. Whereas, persons visiting public lands seek and enjoyable and memorable quality experience, regardless of jurisdiction, and;
- H. Whereas, interagency cooperation should be a means of achieving more efficient public service and less duplication of government operations, and;

Therefore, the parties to this SMU, the Bureau of Land Management (referred to as “BLM” hereinafter) and National Park Service (“NPS” hereinafter) (Department of the Interior), and the Forest Service (“FS” hereinafter) (Department of Agriculture), desire to enter into this agreement so as to promote and further the spirit and intent of the National Trails System Act.

II. LEGISLATIVE AUTHORITY

This SMU is entered into under the authorities of the National Trails System Act of October 2, 1968 (16 U.S.C. 1241 et. seq.), as amended, and the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1701 et. seq.) as amended.

III. PURPOSES

The purposes of this SMU are:

- A. To assure and expand continued long-term interagency coordination and cooperation for the planning, preservation, administration, management, and operation of national historic trails as authorized in the National Trails System Act through the identification, protection, interpretation, and management of national historic trail resources for appropriate public access and use.
- B. To carry out the full administrative and management responsibilities of the National Trails System Act with an emphasis on quality public service and efficient and effective expenditure of Federal funds through cooperation among the Federal agencies involved.
- C. To facilitate Federal coordination of national historic trails by agreeing to the transfer of funds (where appropriate and by separate agreement), personnel, and services as appropriate, ensuring efficient and effective use of each participating agency’s full spectrum of programs and expertise.
- D. To promote efficient coordination of public and private funding to support national historic trail activities.
- E. To provide interagency points of contact for collaboration with non-Federal entities for identifying, mapping, studying, protecting, and interpreting national historic trails.

IV. SCOPE

The scope of this SMU consists of:

- A. Coordinating and unifying planning efforts at all levels for the historic trails to ensure consistency and avoid duplication of effort.
- B. Coordinating on-the-ground projects as planned by each agency to ensure consistency and avoid duplication of effort.
- C. Coordinating NPS, BLM, and FS budget submission and legislative initiatives to ensure effective use of public funds pertaining to national historic trails, as well as working together to complete development of separate agreement to transfer funds when appropriate between and among the parties to this SMU to carry out the purposes of the National Trails System Act.

D. Developing, as appropriate, staff assignments from trail managing agencies to the administrative office responsible for over-all coordination of a specific NHT.

V. STATEMENT OF WORK

The BLM, NPS, and FS mutually agree to:

- A. Establish a point of contact for each national historic trail over which it has administrative or on-the-ground management responsibilities.
- B. When responsible under the National Trails System Act for the administration of a specific trail or group of trails, establish interagency positions or an electronic communication network in their trail office(s) to coordinate planning, administration, and management. In addition, for actions which require interagency transfer of funds, they will cooperate to develop separate agreements to transfer funds, as available and appropriate, between agencies, to other Federal agencies involved in the management, protection, interpretation, and promotion of each trail and facilitate and support the work of on-the-ground managers of segments and sites along these trails to bring the trail story to the visiting public and preserve and protect trail resources which enhance the values for which these trails were created.
- C. Foster appropriate actions which enhance each trail through such means as local and statewide agreements, land use authorizations and permits, regulations, resource management and protection, development projects, interpretive services, trail marking, site-specific planning, and regulatory and compliance functions.
- D. Identify agency personnel at all levels of the organization who work with national historic trails as part of their regular duties. Further, each agency shall provide the services of these individuals, as appropriate and feasible, to cooperatively implement this SMU.
- E. Capitalize on the talents, skills, and knowledge of appropriate agency staff to avoid redundancy and duplication of effort. Key staff contacts will be designated to maintain good internal and external communication.
- F. Develop appropriate organizational structures to facilitate this interagency cooperation and identify contributing program specializations in which each agency is expert.
- G. Coordinate agency budget submissions for these historic trail activities through the respective Departments.
- H. Cooperatively coordinate contacts with external constituents to avoid public confusion and duplication.
- I. Coordinate and cooperatively conduct planning efforts affecting national historic trails, integrating the concept of ecosystem management. Each agency with administrative responsibility for a specific NHT will arrange

for trailwide plans in conjunction with other agencies and jurisdictions which conduct on-the-ground planning.

- J. Efficiently carry out all necessary natural and cultural resource compliance associated with the planning and management of these historic trails.
- K. Initiate supplemental and trail-specific interagency agreements to carry out the intentions of this SMU. Activities which require interagency transfer of funds shall be addressed under separate Interagency Agreements.
- L. Participate regularly in the Inter-Agency Council on Trails, in Washington, D.C., to coordinate policy, budget, and other relevant matters pertaining to the implementation of relevant authorities of the national Trails System Act under this SMU.

VI. TERM OF AGREEMENT

- A. Effective Date of Agreement: This instrument is executed as of the last date shown below and shall run for a period not to exceed 5 years, at which time it will be subject to review, renewal, or expiration.
- B. Modifications: Modifications within the scope of this instrument shall be made by the issuance of a bilaterally executed modification prior to any changes being performed.
- C. Termination: Either party(s), in writing, may terminate the participation in this instrument in whole, or in part, at any time before the date of expiration.

VII. PRINCIPAL CONTACTS: THE PRINCIPAL CONTACTS FOR THIS INSTRUMENT ARE:

NPS: Steve Elkinton

address: National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127
BLM: Carl Barna

address: Bureau of Land Management
U.S. Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20420

FS: Brent Botts

address: Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, D.C. 20090-6090

VIII. SPECIAL PROVISIONS

- A. Non-Fund Obligating Document. This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.
- B. Restriction for Delegates. Pursuant to section 22, Title 41, United States Code, no member of, or delegate to, Congress shall be admitted to any share or part of this instrument, or any benefits that may arise there from.
- C. Participation in Similar Activities. This instrument in no way restricts the Forest Service or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.
- D. Nothing in this SMU abrogates the accountability of the designated administering agency for achieving the purposes of the National Trails System Act.
- E. Nothing in this SMU abrogates the responsibility of any Federal land managing agency to manage its trail resources according to the laws, rules, and regulations providing its management authority over such lands.

IX. NON-DISCRIMINATION

During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11264 on non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.

X. APPROVALS

For the U.S. Department of the Interior
 National Park Service

 Roger Kennedy, Director

Date 9/17/95

For the U.S. Department of Agriculture
 Forest Service

 Jack Ward Thomas, Chief

Date 6/28/95

For the U.S. Department of the Interior
 Bureau of Land Management

 Michael Dombeck, Director

Date 9/17/95